

ARTICLE II

DEFINITIONS

For the purpose of this Bylaw certain terms and words shall have the following meanings. Words used in the present tense include the future; the singular number includes the plural, the plural the singular; the words "used" or "occupied" include the words "designed," "arranged," "intended," or "offered," to be used or occupied; "the words "building", or "structure," "lot", "land" or "premises" shall be construed as though followed by the words "or any portion thereof" and the word "shall" is always mandatory and not merely directory. Terms and words not defined herein but defined in the State Building Code or Subdivision Regulations shall have the meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in Webster's Unabridged Dictionary, Third Edition. Uses listed in the Table of Use Regulations under the classes Retail and Service Trades and Wholesale Trade and Manufacturing shall be further defined by the Standard Industrial Classification Manual published by the U.S. Bureau of Census.

Abandonment: The discontinuance or non-use by an owner of a nonconforming use of a building or premises; or the removal of the characteristic equipment or furnishing used in the nonconforming use, without its replacement by similar equipment or furnishings; or the replacement of the nonconforming use or building by a conforming use or building.

Administrative Officer: The Inspector of Buildings, Town of Marshfield, Massachusetts.

Adult Bookstore: An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other matter which is distinguished or characterized by its emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in M.G.L. Chapter 272 Section 31.

Adult Entertainment: shall refer to the following uses as defined in this Bylaw: "Adult bookstore", "adult motion picture theaters", "adult paraphernalia store", "adult video store" and "establishments which display live nudity".

Adult Motion Picture Theaters: An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined by M.G.L. chapter 272, Section 31.

Adult Paraphernalia Store: An establishment having as a substantial or significant portion of its stock devices, objects, tools or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in M.G.L. Chapter 272, Section 31.

Adult Video Store: An establishment having a substantial or significant portion of its stock in trade, videos, movies or other film, material which is distinguished or

characterized by its emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined by M.G.L. Chapter 272, Section 31.

Affordable or affordable: when applied to housing or housing units means housing or housing units constituting Low or Moderate Income Housing.

Age-Restricted Adult Village: A building, group of buildings or unit(s) occupied by or used exclusively for either:

1. The residence of persons age fifty-five (55) or older. Guests under age 55 are allowed, not to exceed 6 months in any consecutive 9 month period.
2. The residence of handicapped persons as defined in Chapter 121B of the MGL. In the case of a handicapped individual, one live-in personal care attendant with some shared facilities and services is permitted.

(Definition of ARAV amended Article 23 May 1, 2008 ATM)

Alteration: Any construction, reconstruction or other action resulting in a change in the structural parts, height, number of stories or exits, size, use or location of a building or other structure.

Alteration of Topography: All filling, excavation, or other changes in the landform (except after a storm or other natural disaster for the limited purpose of restoring the topography to its pre-existing condition).

Ambient Sound Level: The background A-weighted sound level that is exceeded 90% of the time, measured during operation of equipment.

Animal Feedlot: A plot of land on which 10 livestock or more per acre are fed on a regular basis.

Annual Compliance Report: an annual report of the Auditing Agency regarding the compliance of each applicant and development with the requirements of the “Affordable Housing” conditions set forth in the special permit or the LIP Regulations, home owner/association agreements, deed riders, Regulatory Agreement and the Use Restrictions applicable to such development.

Applicant or applicant: the individual or legal entity making application to the Planning Board for a special permit.

Area of Special Flood Hazard: The land within the floodplain within the Town of Marshfield subject to a one percent or greater chance of flooding in any given year. This area may be designated as an A or V zone.

Aquifer: Geologic formation composed of rock or sand and gravel that contains significant amounts of potentially recoverable potable water.

Auditing Agency: the Marshfield Housing Authority or its designee.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Basement: A portion of a building, partly below grade, which has more than one-half of its height, measured from finished floor to finished ceiling, above the average finished grade of the ground adjoining the building. A basement is not considered a story unless its ceiling is six feet or more above the average finished grade.

Board: The Board of Appeals of the Town of Marshfield, Massachusetts unless where specifically another Board is so empowered.

Boarding House: A lodging house where meals are served to lodgers on a regular basis, on the premises, by, or with the permission of, the operator of such lodging house.

Board of Selectmen: the Board of Selectmen of the Town of Marshfield or its successors.

Building: A combination of any materials, whether portable or fixed, having a roof, and enclosed within exterior walls or firewalls; built to form a structure for the shelter of persons, animals or property. For the purposes of this definition "roof" shall include an awning or any similar covering, whether or not permanent in nature.

Building, Accessory: A detached building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

Building Area: The aggregate of the maximum horizontal plane area of all buildings on a lot measured to their outer walls, but exclusive of cornices, eaves, gutters, chimneys, unenclosed porches, bay windows, balconies, and terraces.

Building, Attached: A building having any portion of one or more walls in common with adjoining buildings.

Building Coverage: The building area expressed as a percentage of the total lot area.

Building Detached: A building having open space on all sides.

Building Line: The line, parallel to the street line, which passes through the point of the principal building nearest to the front lot line.

Building Mounted WECF: A device that is mounted on a building that converts kinetic wind energy into rotational energy that drives an electrical generator.

Building, Principal: A building in which is conducted the principal use of the lot on which it is located.

Cellar: A portion of a building, partly or entirely below grade, which has more than one-half of its height measured from finished floor to finished ceiling, below the average established finished grade of the ground adjoining the building. A cellar is not deemed a story.

Comprehensive Permit: a permit for the development of Low or Moderate Income Housing pursuant to M.G.L. c 40B, Sections 20 through 23, as amended, or successor law, and its implementing regulations in 760 CMR 30.00 et seq. and 31.00 et seq. or successor regulations.

CMR: Code of Massachusetts Regulations.

Conservation Restriction: A permanent restriction that meets the requirements of MGL Chapter 184, Sections 31-33. Conservation Restrictions shall be held by the Town or by a nonprofit conservation organization approved by the Planning Board or Conservation Commission and shall require that the property be maintained in an open or natural state and shall prohibit development of the subject property. The Conservation Restriction shall convey to the Town or the nonprofit organization the right to monitor the property and enforce the terms of the restriction.

Conversions: the changing of an existing non-Affordable housing unit to an Affordable housing unit.

Density Bonus: an increase in the number of market-rate units on the site in order to provide an incentive for the provision of Affordable housing pursuant to this Bylaw.

DEP: Massachusetts Department of Environmental Protection.

DHCD: the Massachusetts Department of Housing and Community Development or its successors.

District: A zoning district as established by Article III of this Bylaw.

Drive-In Establishment: A business establishment wherein patrons are usually served while seated in parked vehicles in the same lot. The term "drive-in" includes drive-in eating establishments where the food is purchased from a building on the lot, but is consumed in the vehicle; drive-in service establishments such as banks, cleaners, and the like; and automotive service stations, gasoline stations, or the like. Drive-in movies are excluded from this definition.

Driveway: A space, located on a lot, which is not more than 24 feet in width built for access to a garage, or off-street parking or loading space.

Dwelling: A privately or publicly owned, permanently fixed structure containing a dwelling unit or dwelling units. The term "one-family," "two-family," or "multifamily" dwelling shall not include hotel, lodging house, hospital, membership club, trailer or dormitory.

Dwelling Unit: One or more living or sleeping rooms arranged for the use of one or more individuals living as a single housekeeping unit, with cooking, living, sanitary, and sleeping facilities.

Dwelling, Multifamily: A building containing three or more dwelling units.

Dwelling, Two-Family: A building containing two dwelling units constructed on a single lot.

Dwelling Units, Affordable to Low to Moderate Income: Dwelling units that meet the State's affordable housing requirements for low to moderate income. These affordable units shall be marketed through the Marshfield Housing Authority, South Shore Housing Development Corporation, or other housing organization approved by the Board, with resale restrictions to assure continued affordability in perpetuity. Dwelling units reserved for occupancy by persons or families of low to moderate income, or for occupancy by a single individual, shall not be segregated from market rate or larger dwelling units in the development in which they are proposed.

Essential Services: Services provided by public utility or governmental agencies through erection, construction, alteration or maintenance of underground or overhead gas, electrical, steam or water transmission and distribution systems; and collection, communication, supply or disposal systems. Facilities necessary for the provision of essential services include poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith. Specifically excluded from this definition are buildings necessary for the furnishing of adequate service by such public utility or governmental agencies for the public health, safety or general welfare.

Establishments which display live nudity: Any establishment which provides live entertainment for its patrons, which include the display of nudity as defined in M.G.L. Chapter 272, Section 31.

Family: An individual or two or more persons related by blood or marriage living together as a single housekeeping unit and including necessary domestic help such as nurses or servants and further including not more than three lodgers or roomers taken for hire.

A group of individuals not related by blood or marriage, but living together as a single housekeeping unit may constitute a family.

For purposes of controlling residential density, each such group of ten individuals shall constitute a single family. Residents of rooming, boarding or lodging houses shall not be considered a family as defined in this paragraph.

Filling of Land of Water Area: The filling of natural or man made depressions in the earth with soil, loam, sand, gravel or other similar earthen materials. The construction, operation, or maintenance of a sanitary land fill or other refuse facility shall not be deemed to be the filling of land or water area for purposes of this Bylaw.

Fixture: An electrical device which is secured to a wall, ceiling, pole or post and is used to hold lamps.

Flood Line: The limits of flooding from a particular body of water caused by lunar tides, a storm, or other natural phenomena whose frequency of occurrence is one in twenty years as determined and certified by a registered professional engineer qualified in drainage.

Floodway: The area subject to periodic flooding, the limits of which are determined by the flood line.

Floor Area, Gross: The sum of the areas of the several floors of a building, measured from the exterior faces of the walls. It does not include cellars, unenclosed porches or attics not used for human occupancy or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Bylaw, or any such floor space intended and designed for accessory heating and ventilating equipment.

Floor Area Ratio: The ratio of the gross floor area to the total lot area.

Floor Drains: An intended drainage point on a floor constructed to be otherwise impervious, which serves as a point of entry into any subsurface drainage, treatment, disposal, containment, or other plumbing system.

Footcandles (Fc): A unit of measuring the amount of illumination equal to one lumen per square foot on a surface.

Groundwater: All the water found beneath the surface of the ground. In this Bylaw the term refers to the slowly moving subsurface water present in aquifers and recharge areas.

Hazardous Material: Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual, or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water. Hazardous materials include, without limitation: synthetic organic chemicals; petroleum products; heavy metals; radioactive or infectious wastes; acids and alkalis; solvents and thinners; and all substances defined as hazardous or toxic under M.G.L. c.21C and 21E and 310 CMR 30.00.

Hazardous Material or Waste, Household Quantity of: Any or all of the following:

- a. Six hundred and sixty (660) gallons or less of oil on site at any time to be used for heating of a structure or to supply an emergency generator; and/or
- b. Quantities of propane used for standard household or commercial heating or cooking purposes; and/or
- c. The total bulk storage of twenty five (25) gallons (or the dry weight equivalent) or less of other toxic or hazardous materials on site at any time, including oil not used for heating or to supply an emergency generator; and/or
- d. A quantity of hazardous waste at the Very Small Quantity Generator level as defined and regulated in the Massachusetts Hazardous Waste Regulations, specifically section 310 CMR 30.353.

Hazardous Waste: A waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed or as further defined in the Massachusetts Hazardous Waste Regulations, 310 CMR, Section 30.010.

Height: The vertical distance from the average finished grade of the adjacent ground to the top of the structure of the highest roof beams of a flat roof, or the mean level of the highest gable or slope of a hip, pitch or sloped roof.

Height: The height of a WECF measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height.

Home Occupation: An accessory use which customarily is carried on entirely within a dwelling unit, and is incidental and subordinate to the dwelling use and which shall not occupy more than 25 percent or 400 square feet, whichever is less at the dwelling units used. (See Section 11.07)

Horizontal Footcandles: The amount of illumination equal to one lumen per square foot on a horizontal surface.

Hospital: A building providing medical service including 24-hour in-patient services for the diagnosis, treatment or other care of human ailments and may include a sanitarium, sanatorium, clinic, rest home, nursing home, and convalescent home.

Hotel: A building or any part of a building for transient occupancy containing rooming units which may have cooking facilities only in connection with central dining facilities, which may have either a common entrance or individual entrances and which include an

inn, motel, motor inn, and tourist court, but not including an apartment house, a boarding house, lodging house, or rooming house.

Household or household: two or more persons who will live regularly in a housing unit as their principal residence and who are related by blood, marriage, law or who have otherwise evidenced a stable inter-dependent relationship, or an individual.

Housing Partnership: the Marshfield Housing Partnership or its successors.

HUD: the United States Department of Housing and Urban Development or its successors.

Impervious Surface: Material covering the ground, including but not limited to macadam, cement, concrete, pavement and buildings, that does not allow surface water to penetrate into the soil.

Initial Footcandle: The amount of illumination (measured by footcandles) given off by a luminary at the point of installation.

Initial Sales Data: the data with respect to the original selling price of a specific Affordable housing unit and how such price was determined.

Junk: Any worn out castoff or discarded articles or materials which are ready for destruction or disposal or have been collected or stored for salvage or conversion to some use. Any article or material which, unaltered or unchanged or without further reconditioning, can be used for its original purpose as readily as when new, shall not be considered junk.

Kenel: Every pack or collection of more than three dogs over six months old owned or kept by a person on a single premises irrespective of the purpose for which they are maintained.

Landfill: A facility established in accordance with a valid site assignment for the purposes of disposing solid waste into or on the land, pursuant to 310 CMR 19.006.

Leachable Wastes: Waste materials including solid wastes, sewage, sludge, and agricultural wastes that are capable of releasing water-borne contaminants to the surrounding environment.

LIP: the Local Initiative Program.

LIP Guidelines: rules, standards and policies explaining and detailing regulatory provisions established by DHCD with respect to the Local Initiative Program, as amended from time to time.

LIP Regulations: the regulations with respect to the Local Initiative Program.

Livestock: Domestic animal such as cattle, horses, sheep, hogs, or goats raised for home use or for profit.

Loading Space: An off-street space used for loading or unloading, not less than 14 feet in width, 50 feet in length, and 14 feet in height, and containing not less than 1,300 square feet including both access and maneuvering space.

Local Action Project: A Local Initiative Program housing development permitted without a Comprehensive Permit.

Local Action Unit: a unit of Low or Moderate Income Housing which has been developed without a Comprehensive Permit and which meets the requirements set out in 760 CMR 45.03 and which has been approved as a Local Action Unit by the DHCD singly or as part of a Local Action Project.

Local Initiative Program: the DHCD Local Initiative Program described in 760 CMR 45.00 or successor regulations.

Local Preference: a preference given to Local Residents in accordance with LIP Regulations and LIP Guidelines in the selection of eligible applicants for the affordable housing units within a development.

Local Resident: a household which at the time of application and at the time of final determination of eligibility and qualification for an Affordable unit includes one or more members who (a) have its or their Principal Residence in the Town, (b) are the parents or step-parents or the children or step-children of someone who has their Principal Residents in the Town, or (c) are employees of the Town, such as teachers, firefighters, police officers, librarians, or employees of businesses located in the Town. The Town and a developer may negotiate other reasonable preference categories or variations of the above categories subject to approval by the DHCD.

Lodging House: A building or any part thereof containing two or more living or sleeping rooms which do not contain cooking facilities, and which rooms are separately leased to more than four individuals unrelated by blood or marriage.

Lodging Unit: One or more rooms for the use by one or more individuals not living as a single housekeeping unit and not having cooking facilities. A "Lodging Unit" shall include rooms in boarding houses, tourist houses, or rooming houses.

Lot: An area or parcel of land in common ownership, designated by its owner or owners as a separate lot on a plan filed with the administrator of this Bylaw and recorded in the Plymouth County Registry of Deeds.

Lot Corner: A lot at the point of intersection of, and abutting on, two or more intersecting streets, or a continuous street, a lot having an interior angle of not more than 100 degrees at the point of intersection of extended street line tangents.

Lot Depth: The shortest distance between the front lot line and the rear lot line within a width at least equal to the required lot width.

Lot Frontage: The total distance along a street line from one front lot corner to the other. On a corner lot the frontage on either street is the distance along the street line from a lot corner to the point of intersection of the two street lines, or that of their extensions in the case of their being connected by a rounded corner. It is required therefore that such frontage be a continuous uninterrupted line over an area of upland of a least 60% of the minimum required number of feet, and be contiguous to the minimum lot area (upland portion of the lot) as provided under Section 6.10 so as to provide opportunity for physical access to every lot.

Lot Line, Front: The property line between a lot and a street or the line defining the limit of a right of way set aside for road purposes. On a corner lot the owner shall designate one street line as the front lot line for the purpose of determining what line will be designated as the rear line.

Lot Line, Rear: The lot line most nearly parallel to, opposite, and farthest from the front lot line.

Lot Line, Side: Any lot line not a front or rear lot line or street line.

Lot, Nonconforming: A lot lawfully existing at the effective date of this Bylaw or any subsequent amendment thereto, which is not in accordance with all provisions of this Bylaw.

Lot, Through: An interior lot, the front and rear lot lines of which abut streets, or a corner lot, two opposite lines of which abut streets.

Lot Width: The distance between the side lot lines as measured parallel to the front lot line, at the rear building line and at all points between. No dwelling may be erected or placed unless within a circle of diameter equal to the required frontage under Section 6.10 which can be inscribed within the lot lines at some point between the front and rear lot lines.

Lottery Agent: the Marshfield Housing Authority or its designee.

Lottery Agreement: a contractual agreement between the Lottery Agent and a developer which authorizes and defines the lottery process for households to be selected for an Affordable unit.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

Low or Moderate Income: household income, computed pursuant to LIP guidelines, which does not exceed 80% of median income for a comparable household size as determined by HUD for the area in which the households is located.

Low or Moderate Income Housing: decent, safe and sanitary housing created through and subsidized by LIP or other state or federal housing production programs which is restricted to occupancy by persons or Families of Low or Moderate Income and which qualifies for inclusion on the Subsidized Housing Inventory.

Maintained Footcandles: The amount of illumination (measured by footcandles) given off by a luminary after being adjusted for light loss factors.

Marshfield Housing Authority: the Marshfield Housing Authority or its successors.

Marshfield Housing Partnership: the Marshfield Housing Partnership or its successors, or in the event the Marshfield Housing Partnership or its successors should no longer exist, an advisory group established and appointed by the Board of Selectmen with the responsibility for encouraging Low and Moderate Income Housing which has been recognized as a local housing partnership by the Massachusetts Housing Partnership Fund (or which has been recognized, certified or otherwise approved as may at the applicable time be required by applicable regulations of DHCD).

Massachusetts Architectural Access Board: the Massachusetts Architectural Access Board or its successors.

M.G.L.: Massachusetts General Laws.

Maximum Groundwater Elevation: The seasonal high level of the groundwater table. This level shall be the same as the maximum groundwater elevation defined and determined in 310 CMR 15.00 (Title 5, State Environmental Code).

Membership Club: A social, sports or fraternal association or organization which is used exclusively by members and their guests and is not conducted as a gainful business.

Mining of Land: The removal or relocation of geologic materials such as topsoil, sand, gravel, metallic ores, or bedrock.

Minority: a member of any of the following groups of people:

Asian American: A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent or Pacific Islands, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Samoa, Thailand, and Vietnam;.

Black: A person with origins in any of the black racial groups of Africa;

Hispanic: A person of Mexican, Puerto Rican, Cuban, Dominican, Central or South American origin;

Cape Verdeans: A person with origins in the Cape Verde Islands;

North American Indian: A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment with origins in any of the original peoples of North America, with cultural identification through tribal affiliation.

Mixed Use District: A zoning district where the location of more than one permitted principal use in one building may be allowed by special permit. Mixed-Use Districts include the B-1 Business-Mixed-Use zoning district and the Planned Mixed-Use Development overlay district.

Municipal Wind Energy Conversion Facility: A Wind Energy Conversion Facility constructed by the Town. The primary purpose of the Municipal Wind Energy Conversion Facility is to provide power for municipal uses or to sell electricity to wholesale markets.

Noncommercial Kennel: A collection of more than three dogs more than six months old kept at, in, or adjoining a private residence for the hobby of the householder in connection with hunting, tracking, exhibition in dog shows, or field or obedience trials, provided the householder does not regularly engage in the purchase and sale of dogs for profit.

Non-Sanitary Wastewater Treatment Facilities: Commercial and industrial facilities which treat or dispose of wastewater on site and require a groundwater discharge permit per 310 CMR 5.00.

Non-Sanitary Wastewater: Discharges from commercial and industrial facilities as specified in the industry category list in 310 CMR 15.004 (g).

Open Dump: A facility which is operated or maintained in violation of the Resource Conservation and Recovery Act (42 U.S.C. 4004(a)(b)) as amended, or the regulations and criteria promulgated thereunder relative to solid waste disposal, pursuant to 310 CMR 19.006.

Open Space: The space on a lot unoccupied by buildings, unobstructed to the sky by man-made objects other than walks, swimming pools, and terraced areas, not devoted to streets, driveways, or off-street parking or loading spaces and expressed as a percentage of total lot area.

Outdoor Lighting Fixtures: Outdoor artificial illuminating devices, installed or portable, used for flood lighting, general illumination or advertisement of commercial or industrial developments.

Owner: The duly authorized agent, attorney, purchasee, devisee, trustee, lessee or any person having legal or equitable interest in the use, structure or lot in question.

Parking Space: An off-street space at least 10 feet in width and 18 feet in length, having an area of not less than 180 square feet, plus 100 square feet of access and maneuvering space, whether inside or outside a structure for exclusive use as a parking stall for one motor vehicle.

Petroleum Product: Petroleum or petroleum by-product including, but not limited to: fuel oil; gasoline; diesel; kerosene; aviation jet fuel; aviation gasoline; lubricating oils; oily sludge; oil refuse; oil mixed with other wastes; crude oils; or other liquid hydrocarbons regardless of specific gravity. Petroleum product shall not include liquefied petroleum gas including, but not limited to, liquefied natural gas, propane or butane.

Planned Development: A development involving the construction of two or more principal buildings on the same lot for any permitted use.

Planning Board: the Marshfield Planning Board or its successors.

Potable Water: Suitable for drinking.

Principal Residence: the principal home (domicile) occupied by all members of a household.

Private Swimming Pool: Any accessory structure that contains water over 24 inches in depth and which is used, or intended to be used, for swimming or recreational bathing in connection with a principal use structure and which is available only to the family and guests of the householder. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

Recharge Areas: Areas that collect precipitation or surface water and carry it to aquifers. Recharge areas include DEP approved Zone I, Zone II, or Zone III areas.

Reflector: A method (in combination with the refractor) of controlling the distribution of light on the surface.

Regulatory Agreement: has the meaning set forth in 760 CMR 45.00 or successor regulations.

Residential Business: A structure in the RB Zone consisting of business uses on the ground floor with a single accessory residential unit within the structure, with sufficient on-site parking for both uses.

Residential Accessory Apartments: An accessory apartment in an owner occupied dwelling is a second dwelling unit located within a single family home. Such accessory apartment

shall be subordinate in size to the principal dwelling unit in a manner that maintains the appearance of the structure as a detached single-family home.

Roof Line: The surface of a horizontal roof; the highest horizontal line of a sloped roof. An ornamental roof structure not enclosing occupied space within a building shall not be used in the determination of the roof line of a building. A roof covering less than 25 percent of the building area shall not be used in the determination of the roof line of a building.

Rooming House: See lodging house, above.

Sanitary Landfill: Facility, place or site for disposal of solid waste on land in accordance with all Federal, State, and Local regulations and requirements including but not limited to rubbish, garbage, refuse, demolition waste, stumps, special waste such as pathogenic or infectious wastes, explosive materials, high and low level radioactive waste, chemical waste, asbestos, and other materials of a toxic or hazardous nature or materials requiring special handling procedures for disposal.

Septage: The liquid, solid, and semi-solid contents of privies, chemical toilets, cesspools, holding tanks, or other sewage waste receptacles. Septage does not include any material that is a hazardous waste as defined by 310 CMR 30.000.

Sewerage Treatment Facility: Facilities which dispose of wastewater effluent into the ground or waters of the town. This shall include the construction of facilities serving commercial, industrial, multi-family residential and multiple lot residential developments. This shall exclude individual residential septic systems and the replacement of existing systems.

Sign: Any permanent or temporary structure, device, letter, word, model, banner, pennant, insignia, trade flag, or representation used as, or which is in the nature of, an advertisement, announcement, or direction or is designed to attract the eye by any means including intermittent or repeated motion or illumination.

Sign, Business: A sign used to direct attention to a service, product sold or other activity performed on the same premises upon which the sign is located.

Sign, General Advertising: Any sign advertising products or services other than products or services available on the lot on which the sign is located, or any sign which is not located within 200 feet of the building or other structure at which the products or services advertised thereon are available.

Sign, Identification: A sign used simply to identify the name, address, and title of an individual family or firm occupying the premises upon which the sign is located.

Sign, Roof: A sign erected on or affixed to the roof of a building.

Sign, Standing: A sign erected on or affixed to the land including any exterior sign not attached to a building.

Sign, Surface Area of: For a sign, either free-standing or attached, the area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself. For a sign consisting of individual letters, designs, and symbols attached to or painted on a surface, building, wall or window the area shall be considered to be that of the smallest quadrangle which encompasses all of the letters, designs, and symbols.

Sign, Wall: A sign affixed to the exterior wall of a building and extending not more than 15 inches therefrom. A sign attached to a roof (or ornamental roof) with a roof slope (vertical dimension divided by horizontal dimension) or not less than 3:1 shall be considered to be a wall sign.

Single Housekeeping Unit: One or more persons living together and sharing in common all of one or more rooms which contain sleeping, sanitary and cooking facilities.

Sludge: The solid, semi-solid, and liquid residue that results from a process of wastewater treatment or drinking water treatment. Sludge does not include grit, screening, or grease and oil which are removed at the head-works of a facility.

Small Scale Ground Mounted Wind Energy Conversion Facilities:

A device that is mounted on the ground, supported by a monopole type tower, that converts kinetic wind energy into rotational energy, which drives an electrical generator. Small Scale Ground Mounted WECF are not intended for commercial sale of electricity. Energy generated from a Small Scale Ground Mounted WECF is primarily for the principal use structure on the same property. Any surplus electricity not used on the property can be sold back to the electric utility. Small Scale Ground Mounted Wind Energy Conversion Facilities are accessory uses and are limited in height to a maximum of 150 feet above the existing ground elevation.

Solid Waste: Discarded solid material with insufficient liquid content to be free flowing. This includes but is not limited to rubbish, garbage, scrap materials, junk, refuse, inert fill material and landscape refuse.

Special Permit Granting Authority: The Special Permit Granting Authority shall be the Zoning Board of Appeals as designated by the Zoning Bylaw for the issuance of Special Permits and Site Plan Approval for the construction and operation of all Wind Energy Conversion Facilities.

Story: That part of a building comprised between a floor and the floor or roof next above. If a mezzanine floor area exceeds one-third of the area of the floor immediately below, it shall be deemed to be a story. A basement shall be classified as a story when its ceiling is six or more feet above the average finished grade.

Story, Half: A story under a gable, hipped, or gambrel roof, the floor area of which does not exceed two-thirds of the floor immediately below when measured where the vertical distance between the floor and ceiling is four feet or more.

Street: A way, over 24 feet in right-of-way width, which:

1. is a public way laid out by a governmental entity or public authority pursuant to Mass. General Laws or is shown as a public way on an official map adopted by the Town pursuant to General Laws Chpt. 41, S. 81E or has been accepted by the Town as a public way; or
2. is shown on a plan approved and endorsed in accordance with the "Subdivision Rules and Regulations of Marshfield"; and General Laws Chpt. 41, S. 81K to 81GG; or
3. has, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and buildings erected or to be erected thereon.

Street Line: The line between a street and an adjoining piece of property defines the limits of the street.

Structure: A combination of materials assembled at a fixed location to give support or shelter, including, but not limited to, a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, bin, fence, sign, flagpole, windmill, solar devices or the like.

Structure (Article 15 only): A walled and roofed building or mobile home that is principally above ground; and includes gas or liquid storage tanks.

Structure, Nonconforming: A structure lawfully existing at the effective date of this Bylaw, or any subsequent amendment thereto, which does not conform to one or more provisions of this Bylaw.

Subdivision: a subdivision as defined in the State Subdivision Control Law, G.L. c.41, Sections 81K-81GG, as amended.

Subsidized Housing Inventory: the list compiled by DHCD containing the count of Low and Moderate Income housing units in the Town.

Subsidized Housing Units: housing units qualifying for the Subsidized Housing Inventory including Local Action Units.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Evidence: Such evidence as a reasonable mind might accept as adequate to support a conclusion.

Substantial Improvement: Any reconstruction, rehabilitation, repair, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" or the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

Term of Affordability: the period of time that the unit shall remain Affordable is in perpetuity.

Total Cutoff: The point at which all light rays are completely shielded.

Town: the Town of Marshfield, Massachusetts.

Toxic or Hazardous Materials: Any substance or mixture of such physical, chemical or infectious characteristics as to pose a significant, actual or potential hazard to water supplies and to human health, if such substance or mixture were discharged to land or waters of this town. Toxic or hazardous materials include, without limitation, petroleum products, heavy metals, radioactive materials, virulent infectious wastes, pesticides, herbicides, solvents, thinners and other materials which are listed as U.S. EPA Priority Pollutants.

Upland: Any land area not defined under the terms of Chpt. 131 Mass. General Laws or Article 37 of the Town of Marshfield Bylaws or regulations issued thereunder as "wetland."

Use: The purpose for which a structure or lot is arranged, designed, or intended to be used, occupied or maintained.

Use, Accessory: A use incidental and subordinate to the principal use of a structure or lot, or a use, not the principal use, which is located on the same lot or in the same structure as the principal use. No use may be considered an accessory use unless it is listed in Section 5.04 of this bylaw as an accessory use and any such use shall not exceed 40 percent of the total area of the structure (s) and/or lot in which such use is located.

Use, Nonconforming: A use lawfully existing at the time of adoption by this Bylaw or any subsequent amendment thereto which does not conform to one or more provisions of this Bylaw.

Use, Principal: The main or primary purpose for which a structure or lot is designed, arranged, or intended, or for which it may be used, occupied or maintained under this

Bylaw. Any other use within the main structure or the use of any other structure or land on the same lot and incidental or supplementary considered an accessory use. Only one principal use shall be allowed for each structure or lot except where permitted within a Mixed Use District. If more than one use is made of a structure or the lot and where it is not clear which use is the principal use, the Building Inspector shall designate one such use as the principal use.

Use Restriction: a deed restriction or other legal instrument approved by the DHCD and recorded with the relevant registry of deeds or land court registry district which effectively restricts occupancy of a Low and Moderate Income Housing unit to households of Low or Moderate Income during the Term of Affordability.

For homeownership units the model deed rider specified in the LIP Guidelines shall be used as the Use Restriction.

All references in this Bylaw to Federal or State regulations shall include any amendments to such regulations, any successor regulations, and any guidelines issued pursuant to any such regulations, as amended from time to time, whether or not expressly so stated.

All references to dwelling units or units (when the reference is to units of housing) in this Bylaw shall include assisted living units or living units within facilities providing continuing care as defined in M.G.L. 93, Section 76, as amended, whether or not explicitly so stated.

Use, Substantially Different: A use which by reason of its normal operation would cause readily observable differences in patronage, service, appearance, noise, employment or similar characteristics from the use to which it is being compared.

Utility-Scale Wind Energy Conversion Facility: A device that is mounted on a monopole structure that converts kinetic wind energy into rotational energy that drives an electrical generator. Utility-Scale Wind Energy Conversion Facilities are for commercial electricity production, where the primary use of the Facility is electricity generation to be sold to the wholesale electricity markets.

Variance: Such departure from the terms of this Bylaw as the Board, upon appeal in specific cases, is empowered to authorize under the terms of Article X.

Very Small Quantity Generator: Any public or private entity, other than residential, which produces less than 27 gallons (100 kilograms) a month of hazardous waste or waste oil, but not including any acutely hazardous waste as defined in 310 CMR 30.136.

Waste Oil Retention Facility: A waste oil collection facility for automobile service stations, retail outlets, and marinas which is sheltered and has adequate protection to contain a spill, seepage, or discharge of petroleum waste products in accordance with M.G.L. c.21. s.52A.

Wind Energy Conversion Facility or Facilities (WECF): A device that converts kinetic wind energy into rotational energy that drives an electrical generator. Wind Energy Conversion Facilities include all equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to: transmission, storage, collection and supply equipment, substations, transformers, service and access roads.

Wind Monitoring or Meteorological Tower: A temporary tower equipped with devices to measure wind speeds and direction, used to predict the amount of electricity a site can be expected to generate through wind energy production.

Wireless Communication Facility: Means an antenna, satellite dish, or other communications device for commercial or public safety communications purposes located on an existing or proposed communications tower or non-residential structure. This definition shall not apply to private residential facilities or non-commercial facilities used by an individual business.

Yard: A portion of a lot, upon which the principal building is situated, unobstructed artificially from the ground to the sky, except as otherwise provided herein, and having at least two sides open to lot lines.

Yard, Front: A yard extending for the full width of the lot from a street line to the nearest point of a building.

Yard, Rear: A yard, unoccupied except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the building wall and the rear lot line.

Yard, Side: Yard extended for the full length of a building between the nearest building wall and the side lot line.

Zone II: The DEP approved area of an aquifer which would contribute water to a public water supply well if such a well were pumped continuously for a period of 180 days at its maximum safe yield without any natural recharge to the aquifer occurring, as defined in 310 CMR 22.00.

(Article II Definitions amended April 2007 ATM Article 19)

(Article II Definitions amended April 2010 ATM Article 21)

(Article II Definitions amended April 2011 ATM)